



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,260	12/02/2003	Herbert Meyerle	S118.12-0003	3376

27367 7590 06/23/2008
WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402-3244

EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT

PAPER NUMBER

3673

MAIL DATE

DELIVERY MODE

06/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/726,260

Applicant(s)

MEYERLE, HERBERT

Examiner

CHRISTOPHER BOSWELL

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-15 is/are pending in the application.
4a) Of the above claim(s) 12 and 13 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4, 7-11, 14 and 15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 01 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Double Patenting

Claims 10 and 11 are objected to under 37 CFR 1.75 as being a substantial duplicate of claim 1. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Objections

Claims 1 and 10 are objected to because of the following informalities: Claim 1 recites “a take-off mechanism” in line 24, and claim 10 recites “a drive mechanism” and “a take-off mechanism” in line 3. The examiner is unclear as to if there are to be more than one take-off mechanism and drive mechanism. Accordingly, if there is to be a plurality of the aforementioned mechanisms, proper labeling is required. To further prosecution, the examiner prosecuted as there where only one take-off mechanism and drive mechanism, respectively. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-11, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,374,653 to Gokcebay et al., as applied above, in view of U.S. Patent Number 5,447,047 to Lin.

Gokcebay et al. disclose a locking cylinder for a door having a locking cylinder body (20), a knob (196) on the cylinder body (figures 18, 18A and 18B; the knob or handle extends from the cylinder body in a radial direction) for the outside of the door to be locked, a deactivation member (36) which is able to deactivate the knob so that opening of the door using the knob is not possible, the deactivation member is able to be electronically actuated (column 12, lines 59-67), and an access control means (43) in the locking cylinder body which in response to an authorized transponder signal (signal from 94) permits opening of the door by making it possible for a user to actuate the knob from outside of the door in order to open it, wherein the access control means comprises means for exchanging a wireless signal with a remote transponder (90 and 94) and a verification means for verifying whether or not the remote transponder is authorized (figure 10; column 17, line 60-column 18, line 13), wherein the access control means comprising electronic (43) and mechanical (conventional pin tumblers; figure 6c) elements is entirely located within the locking cylinder body, and a battery (41) which is able to

energize the access control means upon response of a request signal from the transponder, as in claim 1, as well as an engagement means (166) on the distal end of the lock cylinder. Gokcebay et al. does not disclose an engagement means having a drive mechanism and a take-off mechanism. Lin teaches an engagement means (5) for transmitting a movement as well as corresponding forces and/or moments, the engagement means having a drive mechanism (35) and a take-off mechanism (51), wherein the drive mechanism and the take-off mechanism are coupled a coupling element (351) in such a manner that in a decoupled state a movement of the drive mechanism causes a movement of the coupling element, wherein the movement of the coupling element is not sufficient for transmitting a movement of the drive mechanism to the take-off mechanism so that transmission of movement is allowed in the coupled state but not in the decoupled state (column 3, lines 13-27), as in claim 10, wherein the drive mechanism and take off mechanism are coupled via the coupling element in such a manner that in the decoupled state a rotational movement of the drive mechanism causes an essentially rotational movement (column 3, lines 13-27) of the coupling element and that in a coupled state a rotational movement of the drive mechanism essentially causes a rotational movement of the take-off mechanism, as in claim 11, in the same field of endeavor for the purpose of transmitting torque from the lock cylinder to a drive shaft of a handle assembly. All of the component parts are known in Gokcebay et al. and Lin. The only difference is the combination of the "old elements" into a single device by mounting them on a single chassis. Thus it would have been obvious to one having ordinary skill in the art to replace the drive mechanism of Gokcebay et al. with the engagement means in order to transmit torque from the lock cylinder to a drive shaft of a handle assembly as taught by Lin onto the lock cylinder in Gokcebay et al., since the engagement means

is in no way dependent on lock cylinder, and the engagement means could be used in combination with lock cylinder to achieve the predictable results of transmit torque from the lock cylinder to a drive shaft of a handle assembly.

Gokcebay et al. also disclose the lock body is adapted and sized to be introduced into a door (column 12, lines 35-36; where the area to which the cylinder to be secured could be a door), as in claim 2, and where the deactivation member is adapted to deactivate the knob such that idle movement of the knob is possible or blocked (column 12, lines 59-67), as in claims 3 and 4.

Gokcebay et al. further disclose the access control means comprises a ferrite bar antenna (28) which is also located within the cylindrical lock body (figure 4), as in claim 7, as well as the access control means is adapted to communicate with a transponder (94) by means of an alternating magnetic field, as in claim 8, and protection means (22) for protecting against drilling or tampering with the lock, as in claim 9.

Gokcebay et al. also disclose a door lock system having a locking cylinder having a lock body (20), a knob (196) on the cylinder body (figures 18, 18A and 18B; the knob or handle extends from the cylinder body in a radial direction) for the outside of the door to be locked, a deactivation member (36) which is able to deactivate the knob so that opening of the door using the knob is not possible, the deactivation member is able to be electronically actuated (column 12, lines 59-67), and an access control means (43) permits opening of the door by making it possible for a user to actuate the knob from outside of the door in order to open it, wherein the access control means comprising electronic (43) and mechanical (conventional pin tumblers;

figure 6c) elements is entirely located within the locking cylinder body (figure 4), and a remote transponder (94) having means for exchanging a wireless data signal (via 90 and 94) with the access control means of the lock, wherein the access control means comprises means for exchanging a wireless signal with the remote transponder (94) and a verification means (figure 10) for verifying whether or not the remote transponder is authorized, and a battery (41) for energizing the access control means upon response of a request signal from the remote transponder, as in claim 14, as well as an engagement means (166) on the distal end of the lock cylinder. Gokcebay et al. does not disclose an engagement means having a drive mechanism and a take-off mechanism. Lin teaches an engagement means (5) for transmitting a movement as well as corresponding forces and/or moments, the engagement means having a drive mechanism (35) and a take-off mechanism (51), wherein the drive mechanism and the take-off mechanism are coupled a coupling element (351) in such a manner that in a decoupled state a movement of the drive mechanism causes a movement of the coupling element, wherein the movement of the coupling element is not sufficient for transmitting a movement of the drive mechanism to the take-off mechanism so that transmission of movement is allowed in the coupled state but not in the decoupled state (column 3, lines 13-27), wherein the drive mechanism and take off mechanism are coupled via the coupling element in such a manner that in the decoupled state a rotational movement of the drive mechanism causes an essentially rotational movement (column 3, lines 13-27) of the coupling element and that in a coupled state a rotational movement of the drive mechanism essentially causes a rotational movement of the take-off mechanism, in the same field of endeavor for the purpose of transmitting torque from the lock cylinder to a drive shaft of a handle assembly. All of the component parts are known in Gokcebay et al. and Lin.

The only difference is the combination of the “old elements” into a single device by mounting them on a single chassis. Thus it would have been obvious to one having ordinary skill in the art to replace the drive mechanism of Gokcebay et al. with the engagement means in order to transmit torque from the lock cylinder to a drive shaft of a handle assembly as taught by Lin onto the lock cylinder in Gokcebay et al., since the engagement means is in no way dependent on lock cylinder, and the engagement means could be used in combination with lock cylinder to achieve the predictable results of transmit torque from the lock cylinder to a drive shaft of a handle assembly.

Gokcebay et al. further disclose a method for securing a locking cylinder for a door by providing a lock body being of generally cylindrical shape and being capable of being introduced into a door (20), providing a knob for the outside of the door to be locked, the knob being able to be actuated from the outside of the door in order to open the door from the outside (196) on the cylinder body (figures 18, 18A and 18B; the knob or handle extends from the cylinder body in a radial direction), providing a deactivation member (36) which is able to deactivate the knob so that it cannot be actuated in order to open the door from the outside, providing an access control means (43) which in response to a signal of an authorized remote transponder (94) permits opening of the door by making it possible for the user to actuate the knob from the outside of the door in order to open it, wherein the access control means comprises means for exchanging wireless signal with the remote transponder (via elements 90 and 94) and a verification means for verifying whether or not the remote transponder is authorized (figure 10), providing the access control means entirely within the cylindrical lock body (figure 4), the access control

means comprising electronic (43) and mechanical elements (conventional pin tumblers), providing a battery (41) for energizing the access control means upon response of a request signal from the remote transponder, as in claim 15, as well as an engagement means (166) on the distal end of the lock cylinder. Gokcebay et al. does not disclose an engagement means having a drive mechanism and a take-off mechanism. Lin teaches an engagement means (5) for transmitting a movement as well as corresponding forces and/or moments, the engagement means having a drive mechanism (35) and a take-off mechanism (51), wherein the drive mechanism and the take-off mechanism are coupled a coupling element (351) in such a manner that in a decoupled state a movement of the drive mechanism causes a movement of the coupling element, wherein the movement of the coupling element is not sufficient for transmitting a movement of the drive mechanism to the take-off mechanism so that transmission of movement is allowed in the coupled state but not in the decoupled state (column 3, lines 13-27), wherein the drive mechanism and take off mechanism are coupled via the coupling element in such a manner that in the decoupled state a rotational movement of the drive mechanism causes an essentially rotational movement (column 3, lines 13-27) of the coupling element and that in a coupled state a rotational movement of the drive mechanism essentially causes a rotational movement of the take-off mechanism, in the same field of endeavor for the purpose of transmitting torque from the lock cylinder to a drive shaft of a handle assembly. All of the component parts are known in Gokcebay et al. and Lin. The only difference is the combination of the "old elements" into a single device by mounting them on a single chassis. Thus it would have been obvious to one having ordinary skill in the art to replace the drive mechanism of Gokcebay et al. with the engagement means in order to transmit torque from the lock cylinder to a drive shaft of a handle

assembly as taught by Lin onto the lock cylinder in Gokcebay et al., since the engagement means is in no way dependent on lock cylinder, and the engagement means could be used in combination with lock cylinder to achieve the predictable results of transmit torque from the lock cylinder to a drive shaft of a handle assembly.

Response to Arguments

Applicant's arguments filed March 18, 2008 have been fully considered but they are not persuasive. In response to the argument that Gokcebay et al. does not disclose a remote transponder for exchanging a wireless signal, the examiner respectfully disagrees. The key of Gokcebay et al. is a remote component of the locking assembly, where the key incorporates a transponder, where a transponder is defined as an electrical device designed to receive a specific signal and automatically transmit a specific reply, to communicate with the antenna of the lock cylinder, additionally, there are no wires that connect the key to the lock cylinder, establishing a wireless communication to send the signal from the key to the lock cylinder via a contact point on the lock cylinder. Wherein, once the transponder sends the signal to the access control means in the lock cylinder of Gokcebay et al., a user is then permitted to open the door by actuating the knob.

Regarding the argument that Gokcebay et al. do not disclose a ferrite bar antenna, the examiner respectfully disagrees. Where, as the applicant is aware, that an antenna is defined as an electrical device that sends or receives signals, and ferrite is a metal with a base of iron, wherein the contact of Gokcebay et al. receives the signal from the transponder, and as an

electrical connection is achieved, it is inherent that a ferrite material is present to allow the antenna to receive such a signal.

With regards to the argument that the Examiner is unjustified in the broad interpretation of the word "on", the examiner respectfully disagrees. The knob or handle of Gokcebay et al. is clearly "on" the lock cylinder, i.e. in contact with an outer surface, and not in the lock cylinder, as alleged by the applicant. Furthermore, with the current amendment, the rejection established by the examiner remains, as it is clear that the knob or handle is "on" the lock cylinder, as well as extending from the cylinder body, see figures 18, 18A and 18B of Gokcebay et al.

With respect to element number 200 indicating an engagement means is a typographical error and the engagement means is correctly stated as element 166, which is clear from the figures an engagement means to actuate locking components of the locking assembly.

In regards to the arguments directed at the newly amended claims, the examiner states that the applicant has mischaracterized the rejection, as the examiner stated that the drive mechanism is element 35, the take-off mechanism is element 51 and the coupling element is element 351, additionally, the current claims are absent of a blocking mechanism, and accordingly Lin discloses the engagement means as claimed. Where the coupling element allows or disallows rotational movement depending on the amount of axial force being applied thereto.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CHRISTOPHER BOSWELL** whose telephone number is (571)272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher Boswell
Examiner
Art Unit 3673
CJB
June 18, 2008

/Patricia L Engle/
Supervisory Patent Examiner,
Art Unit 3673